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June 13, 2022

The Honorable Norman K. Moon
U.S. District Court Judge
Western District of Virginia
1101 Court Street, Suite A66
Lynchburg, VA 24504

VIA CM/ECF

Re: *FreightCar America, Inc. v. Davis-Frost, Inc.* / Court Case No. 6:21-cv-00027-NKM

Dear Judge Moon:

Pursuant to the Court's Pretrial Scheduling Order, Davis-Frost, Inc. (Davis-Frost), the moving party, hereby notifies the Court that its Motion for Summary Judgment ("Motion") is ripe for decision. Davis-Frost's Motion for Summary Judgment has been fully briefed by both parties. Neither FreightCar America, Inc. nor Davis-Frost have requested oral argument on the pending Motion. Therefore, Davis-Frost respectfully submits that the Motion is appropriate for decision without oral argument.

The parties will be participating in mediation with a retired judge on June 17, 2022. The parties will promptly notify the Court if they settle this matter.

Sincerely,

A handwritten signature in cursive script, reading "Charles K. Maier".

Charles K. Maier